

# EXHIBIT 1

## **AWP Notice of Pendency Pre-Recorded Message**

### **Opening Message for TPPs (800 number to be included in the TPP Long Form Notice and TPP Published Summary Notice)**

**1-800-419-5391**

You have reached the hotline for the AWP Class Action.

You may visit the Court-approved website [www.AWPlitigation.net](http://www.AWPlitigation.net) (*the full name of the website will be spoken then spelled out*) for more information.

The AWP Lawsuits ask the Court to award money damages to Third-Party Payors (referred to as “T-P-Ps”) who made reimbursements for certain Covered Drugs manufactured by AstraZeneca, Bristol-Myers Squibb Group, Johnson & Johnson Group, and Schering Plough Group. Defendants deny the allegations made in the lawsuits. A complete list of the 15 Covered Drugs, a description of the claims made in the lawsuits, what Defendants say about those claims and a TPP’s right as a potential member of the classes are described in more detail in the full Notice which is available on the website.

The Court has certified two different TPP Classes.

The MediGap TPP Class includes any TPP who made reimbursements for all or part of its insured’s 20% co-payment under Medicare Part B for the 15 Covered Drugs anytime between January 1, 1991 and January 1, 2005.

The Private Payor TPP Class includes any TPP who reimbursed for the 15 Covered Drugs outside of Medicare Part B based on a contract that uses AWP as a reimbursement benchmark anytime between January 1, 1991 and January 30, 2006.

Please note that both Classes only include TPPs who made reimbursements for these drugs for a beneficiary in Massachusetts or who have a principal place of business in Massachusetts. A TPP could be a member of one or both Classes.

The Court has not yet decided who is right in this litigation. At this time, the Court has certified that a series of trials and hearings will determine the claims in this lawsuit. An initial trial involving all of the Defendants will begin in November, 2006.

A TPP has two options as a member of one or more of these Classes.

A TPP may stay in the Classes in which case it does not need to do anything at this time. If a TPP remains a Class Member, it will be entitled to participate in any monetary recovery for the Class, if there is one. It will also be bound by the outcome of any trial, whether those results are favorable or unfavorable to the Class and a TPP will not be able to sue any of the Defendants on its own.

If a TPP does not want to be a member of one or more of the Classes, it must mail a personally signed, written request to be excluded to AWP Litigation Administrator, P.O. Box 24654, West Palm Beach, FL, 33416 and follow the instructions included in the full Notice. A TPP Class Member may also request to be excluded from the lawsuit against one or more Defendants and remain in the litigation against the other Defendants. The request must be received by October 1, 2006.

If you have any questions and would like to discuss them with a representative or would like to have a full Notice mailed to you, please press 3 now.

Otherwise, please hang up. Goodbye.

(If the caller presses 3, a *Representative* would then say “AWP hotline, may I help you?”)